

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHARLES RAY ANDREWS, JR.,

Plaintiff,

v.

STATE OF TEXAS,

Defendant.

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Civil Action No. **3:15-CV-109-L**

ORDER

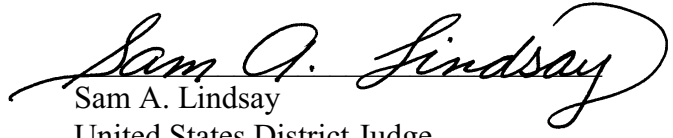
This case was referred for screening to Magistrate Judge Renee Harris Toliver, who entered Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on January 15, 2015, recommending that the action be dismissed with prejudice as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B). The magistrate judge further recommends that the court warn Plaintiff that if he persists in filing frivolous or baseless cases, the court will impose monetary sanctions, bar him from bringing any further actions, or both. No objections to the Report were received as of the date of this order.

After reviewing the pleadings, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **dismisses with prejudice** this action as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B). *Further, if Plaintiff persists in filing frivolous or baseless cases, the court will impose monetary or other appropriate sanctions.*

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. 24(a)(3). In support of this certification, the court

accepts and incorporates by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). The court concludes that any appeal of this action would present no legal point of arguable merit and would therefore be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. 24(a)(5).

It is so ordered this 4th day of February, 2015.


Sam A. Lindsay
United States District Judge